

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION

January 29, 2010

DATE THE DECISION ISSUED

January 5, 2009

MIKE ADDARIO v. ARTS COMMISSION (09085)

FACTS OF THE CASE

Complainant Mike Addario said that, on September 23, 2009 and on September 29, 2009, he sent an Immediate Disclosure Request (IDR) to Howard Lazar of the San Francisco Arts Commission (the Commission) requesting unspecified documents. The 9/29/09 IDR amended the previous IDR, adding documents to those previously requested. Complainant further said that Mr. Lazar responded on October 2, 2009, by invoking an extension of not more than 14 calendar days from September 29, 2009, to provide the documents. He quoted from a letter from Mr. Lazar that "The Arts Commission will endeavor to respond to you as quickly as possible, and no later than October 13, 2009." Mr. Addario further said that he has received all documents requested in the original, 9/23/09 IDR, but not the additional documents requested on 9/29/09. Mr. Addario added that Mr. Lazar told him on November 4, 2009, that he would provide the additional documents to Mr. Addario by the end of the following week, i.e. November 13, 2009. When filing the complaint, Mr. Addario said that he still had not received the additional requested documents from the 9/29/09 IDR. He also complained about various irregularities with the administration of the San Francisco Street Artist Program Liaison Committee, but failed to make any specific allegation.

COMPLAINT FILED

On December 6, 2009, Mr. Addario filed a complaint with the Task Force alleging a violation of public records and public meeting laws.

HEARING ON THE COMPLAINT

On January 5, 2010, Mr. Addario presented his case. Mr. Lazar represented the respondent agency.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Mr. Addario said he has not inspected the documents responsive to the September 23, 2009, IDR but a time sheet appeared to have been altered. On the irregularities, he said the Commission changed the bylaws of the liaison committee without the committee's consent. Mr. Lazar said he was late in responding to the IDR because of staffing issues. He said his department has announced that outside help would be sought if the information requests

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from its 400 members continue at their current pace. He said he has provided Mr. Addario with over 200 pages of information and all documents are copies of the original.

DECISION AND ORDER OF DETERMINATION

The Task Force found that the agency violated Section 67.25 for untimely response. The matter was referred to the Feb. 9, 2010, Compliance and Amendments Committee meeting to see if all requested documents have been provided, and redactions, if any, are listed and justified.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on Jan. 5, 2010, by the following vote: (Chu / Knoebber)

Ayes: Manneh, Knoebber, Chu, Chan Goldman, Williams, Knee.



Richard A. Knee
Chair, Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney
Mike Addario, Complainant
Howard Lazar, Respondent